

REMARKS

Favorable reconsideration of the application in view of the above amendments and the following remarks is respectfully requested. By this amendment, claims 1, 6, 7, and 17 have been amended and new claims 19 - 21 have been added. The specification has also been minorly amended to correct syntactically errors. Applicant submits that no new matter has been added and notice of such is solicited. Upon entry of this amendment, claims 1 - 10 and 17 - 21 are pending of which claims 1 and 19 are independent.

The Examiner is thanked for the indication of allowability of claim 4, if rewritten in independent form to include the limitations of the base claim and any intervening claims. Claim 1 has been amended to include the limitation of claim 4 and a portion of the limitations of claim 3. Applicant submits that claim 1 is now in condition for allowance, and formal notice of such is solicited.

As claim 1 is in condition for allowance, Applicant submits that claims 2 - 10, 17, and 18, which depend therefrom, are also in condition for allowance, and formal notice of such is solicited.

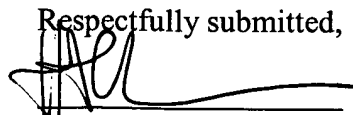
New claims 19 - 21 have been added to more fully claim the subject of the instant application. Independent claim 19 recites a testing apparatus can include a reference frequency unit. The testing apparatus can passively listen to an established communication based on a data communication between a mobile terminal and a mobile communication net. The testing apparatus can at least partially sample and evaluate the information signals underlying the

communication. Based the evaluation, the reference frequency unit can be calibrated. Bit streams are processed as information signals, and calibrating the reference frequency unit includes minimizing the frequency error of the bits streams measured by the testing apparatus. Note that new apparatus claim 19 essentially parallels method claim 1 and includes the limitations of claim 4 found allowable by the Examiner. Note further that the total number of claims have been reduced. Applicant submits that claims 19 - 21 are also in condition for allowance, and formal notice of such is solicited.

Claims 1 - 3, 5, 6, 8 - 13, 17 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lemke et al. (U.S. Patent No. 5,398,276). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemke '276 as applied to claim 1. Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemke '276 as applied to claim 12. Applicant submits that these rejections are moot in view of the above noted amendments to claim 1. Accordingly, withdrawal of these rejections is respectfully requested.

Applicant submits that all pending claims are in condition for allowance, and formal notice of such is solicited. If the Examiner has any questions, he is respectfully requested to contact the undersigned at the number listed below.

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